G R. S 59]

GENERAL AND REVENUE SECRETARIAT.

p18

1907.
(Annapl)

File No. 346-07

Serial Nos. 1 - 8

Papers Filed.

Month November 1907

SUBJECT

Acquisition of properties for public purposes in the Shikarpur town

PREVIOUS REFERENCES.	LATER REFERENCES.
LR 58-07 Nov 4	

G.R.S 11] 1907-08

GENERAL AND REVENUE SECRETARIAT

(Mb.)

NOTES

File No. 346-07

FILE HEADING

Acquisition of properties for public purposes in the Shikarpur town

From

The Revenue Comr in Mysore

No. 6689 Dated 28.12.07 Received 29.12.1907

Diary No 4570	Enclos 1 file Spare Copies. -	Serial No 1

BRIEF ABSTRACT OF LETTER.

Submits a declaration for the acquisition of certain properties at Shikarpur and states that where the land is situated within Municipal limits and is to be acquired for Municipal purposes out of Municipal funds the Dy. Comr can act on the Govt. direct and that if the Govt. otherwise agrees no objection may arise to all Dy. Comrs

NOTES AND ORDERS

Draft authorizing the Asstt. Comr Shimoga Dt. to take order for the acquisition of the properties referred to in the declaration is submitted. A form has been added in the draft in accordance with the Revenue Comrs

Notes—First sheet.

GPB -30,000—20-3-06

G. 2 S. 12]
General and Revenue Secretariat.

File No. 360 of 1907

Serial No	
	Commissioner's suggestion about which the Revenue Branch may be consulted that procedure, in which cases, more or less generally followed by the Dept. Covers 2nd present
	Submitted to the 1st Commissioner with draft
5425 13.1.1908	11/1/08
1	Draft altered & approved -
2	The general question of procedure may be separately dealt with. 18/1/08
1	Issue as per draft 20/1
	21/1/08
2	G.O. No. 736-17 dated the 27th January 1908 Authorising the Assistt. Commr. Shimoga Dt., to take orders for the acquisition of the lands referred to in the declaration
3	Forward the declaration to the Compiler for publication in the Gazette

Remembered for orders on the Asst. Commissioner's suggestion contained in his letter of the 23rd December 1907 (at 6).

Issue

North—South sheet.

T. R. S. 12]
General and Revenue Secretariat.

ML File No. 368 of 1907

Serial No.

The Commissioner attention is respectfully invited to the office note in the linked file in regard to the procedure to be adopted in the Secretariat in dealing with Land Acquisition Cases. To obviate confusion and the necessity for one and the same subject being dealt with in Branches IIE and I, it is respectfully suggested that

(1) All cases of acquisition of properties vested in municipal or Dist. Boards be dealt with in Branch IIE without reference to the Revenue Branch or Rev Comr

(2) All cases of acquisition of revenue paying lands required for local bodies be dealt with in the Revenue Branch after consulting Branch IIE if considered necessary in any case or cases, such refers passing through the Rev Comr

sd 16/4/08

sd 21/4/08

The question of procedure in dealing with L. A. cases was discussed in another connection & the linked file contains some notes on the subject.

I think the following procedure maybe adopted in the several Cases.

sd

Note:- Contd. sheet.

GPB-20,0317—5-07

[4 R S. 12]
General and Revenue Secretariat.

MB File No. 346 of 1907

Serial No

Acquisition of houses, vacant sites & other unassessed land in municipal towns &c by municipalities & local bodies —

— Such cases may be dealt with in Rule IV entirely, the Dcs addressing Govt direct & not through Rev comm^r

Acquisition of assessed land for municipalities & local bodies, otherwise

— the Report from Dcs may be made through R. C^r to give the latter an opportunity to give an opinion about the desirability or otherwise of the acqn from a Revenue point of view.

In the result the case may be dealt with in Rule IV, a — Rule I being consulted before issue of final order.

A copy of the order notifying the acqn must be sent to Rev comm^r

Survey Supdt to facilitate correction in Rev Survey records.

Acqn of assessed land for extension of village Site &c — compensation being met from Revenues — such cases may be dealt with in Rule I entirely

Secy)

A 22/P

NOTE.—Contu sheet.

C 1 B—50,00917—3-07

6 C B. 12]
General and Revenue Secretariat.

File No. 316 of 1907

Serial No.

I agree in the above suggestion
Please submit a draft order.

29 Nov

Draft submitted after which this file will be sent to the Legal Branch for noting the procedure to be followed in this Secretariat in dealing with acquisition cases

Secy) 29-08

Draft returned

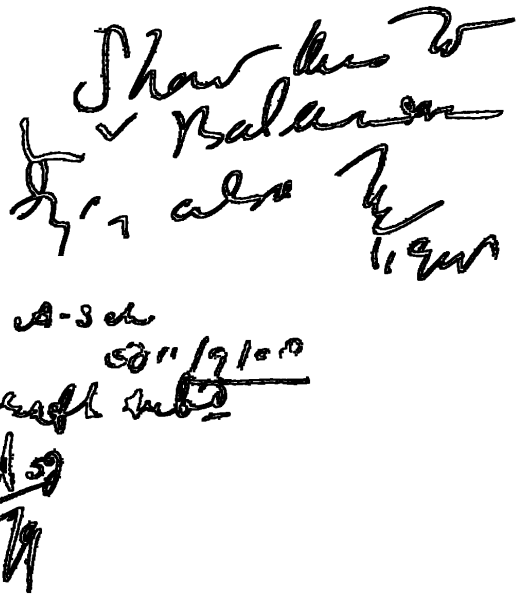
Why not say of the following effect

1 Land acquisition cases should be dealt with in the Depts which will have to pay for the acquisition in each case - The Depts will be best able to judge of the necessity or desirability of acquisition & of its own ability to afford the cost - The declaration under s 6 of the L.A. Regulation will issue from the Branch Dept to the Dept concerned is accepted, and be signed by the Secretary to that Department

2 Where the land to be acquired is

Fill in the Schedule giving the area then about to be found & the necessary consultation of the Land Revenue Authorities by Asst Collr & also of other matters to be settled before the draft is submitted for sanction

Note.—Contin sheet.



(G. R. S. 12]
General and Revenue Secretariat

NL File No. 366 of 1907

Serial No.

formal or other special assign-
ment Communities, the Revenue
Commissioner should be consulted
before declaration even as in the
case of private land the landowner
would be consulted.

3 Acquisition of assessed land for
public purposes does not necessarily
imply the writing off of the assess-
ment. This latter concession should be
matter for separate treatment,
the Revenue Commissioner being
consulted on the question of value.
Assessment being written off being dealt
with in, & the final orders coming
from, the Revenue Branch.

Thus worded

Please put up a draft as above &
submit for orders

Mr
11 Sept.

Draft submitted which if approved
may be issued.

Draft submitted for
approval

10/9/08 Dewan 16.9.08

17.9.08

P.T.O.

NOTE—Cuttu sheet.

[G R. S. 12]
General and Revenue Secretariat

File No. 346 of 1907

Serial No.

Is it proposed that acquisition cases should be dealt with in the Secretariat (e.g. P.W. or Geological) in charge of the department which requires the land or which pays for the acquisition? If so, I believe this involves a departure from long established practice before sanctioning which I should like to know clearly (1) whether the present practice of dealing with all such cases in the General and Revenue Secretariat has been found unsuitable, (2) what the practice is in British India and (3) what the other Secretaries have to say to the proposal.

Please place this before the 1st Councillor for favour of consideration & opinion

7/11/1908

Submitted

1st Cr) 9.11.08 Jewell

8699
9-11-1908

Please note the practice in British India and consult D.P.W. & Geological Secretaries

Letter 19 Nov 08

IIA1

Jewell
19.11.08

Two drafts submitted for approval or otherwise ordered

Approved
2/12/08

Jewell
3.12.08

P 4

Letter No 5640-1 dated the 11th Dec

Note—Contn sheet.

GPB—50,000—17-3-07

Serial No

December 1907 to the Secretaries to Govt P. W. & Rev Depts

Q — Forwards Copies of the Draft orders proposed the issues directing that questions relative to the acquisition of properties for public purposes should be dealt with in the Secretariat in charge of the Deptt which pays for the acquisition and calls for their opinions thereon

D 5 Letter No Pol & 36 dated the 9th Decr 1907 to the Secretariat Resident

Requests him to ascertain for the Govt's information the practice prevailing in Baroda India as to whether questions relative to the acquisition of properties under the Land Acqn Regn are dealt with in the Secretariat in charge of the Deptt which requires the land or pays for the acquisition or in any other Secretariat eg the Rev. Deptt

6 Letter No 6 of 36 dated the 18th Decr 1907 from the Secretariat Resident

Invites a reference to sec 11 of Standing orders No 90 of the Board of Masters and to Notifications published in the Govt. of St George Gazette of 17th Decr and expresses a hope that the info. at

S

NOTE—Cover sheet

Serial No

~~Enclosed~~ as regards the practice in the Madras Presidency will be found sufficient for the purpose

7 Letter No 8048 dated the 18th Dec 1908 from the Secty P W D

States that he has no objection to the proposed order being issued

8 Letter No 2032 dated the 11th Feb 1909 from the Secty, Geo Deptt.

States, in reply, that the nature and scope of the draft order proposed to be issued are not clear to him and that there are no cases connected with the Deptt in which that order would apply, and adds that the order does not seem to form a reply or enclosure to the Rd Commissioners letter on which it purports to be based

5 The Standing orders of the Board of Rev: Madras and the Notifications under the Land Acqn Regn Regln shall appear in the Fort St George Gazette under Rule x P W Deptts seem to indicate that the practice prevailing in the Madras Presidency is identical with what is proposed in the draft rules prepared on the lines of the Forest Commissn

6 note

GPB—50 000—1d 5 08

G R S. 12]
General and Revenue Secretariat.

File No. 36 6 of 1907

Serial No	
	note of the Municipal Secretary and the Chief Engineer has no objection to the order being issued as the Secretary, Rao Bahadur does not seem to have any specific objection to it. Submitted for orders. MAA 24/2 (18 Cr) 22-2-09 20/2/09 The Draft may now be submitted to the Council 99341/23-2-1909 12113/27-2-09 27/2/09 29/3
	As desired the order has since been issued from the Revenue Secretariat. Any further papers may be filed in this file MAA 5/4/09 9/11/09

Note—Contin. sheet.

G.P.B.—50,000—12-5-08

14570

No. 1659/1414

OFFICE OF THE REV COMR. IN MYSORE,

Bangalore 23rd December 1907

7. R 3607

FROM

A. RANGASWAMI IYENGAR ESQ., B A., B L.

Revenue Commissioner in Mysore.

To

The Secretary to the Government of His Highness
the Maharaja of Mysore,
General & Revenue Departments

Sir,

In forwarding herewith a copy of letter No. 990 dated the 17th December 1907 and its enclosures in original from the Deputy Commissioner of the Shimoga District, regarding the acquisition, under the provisions of the Land Acquisition Regulation, of a strip of land in the Shikarpur Municipality, I have the honor to state that the land being situated within the limits of the Municipality and required for improving and extending a street therein, the cost of acquisition being also borne out by the Municipality, the matter was one in which the Deputy Commissioner could have addressed the Government direct. A similar reference from the Kolar

New Form No. 12

1907 180

From

A. RUNGASWAMI IYENGAR, Esq., B.A., B.L.,

Revenue Commissioner,

in Mysore.

To

The Secretary to the Government of
H H the Maharaja of Mysore,
General Revenue Department

Dated 23rd
Despatched 28 December 1907.
Received
No. 6689

Enclosure No. 1 & 1 fl.

Forwarding copy of
letter No. 880 dated the 17th
December 1907 from the Deputy
Commissioner, Shimoga re-
questing that Deputy
Commissioners may be
directed to address the
Government direct on
such matters

Kolar District, was forwarded to you with the same remark (Vide my letter No 5980 dated the 5th/9th December 1907). I request that, if the Government see no objection, an order may be issued to the Deputy Commissioners directing that such references may be submitted direct to Government in the Local Fund or the Municipal Departments

I have the honor to be,
Sir,
Your most Obedient Servant,

Ramaswamy

For Revenue Commissioner

HH

Letter No 380 dated the 17th December 1907, from the Deputy Commissioner, Shimoga District, to the Revenue Commissioner in Mysore

---

I have the honor to submit herewith a declaration for publication in the Mysore Gazette, in respect of the acquisition of 985 5/6 sq yards of land in the town of Shikarpur for the improvement and extension of the Soppinakeri street and to state that the owners of all the sites except Revanikar Durgappa have agreed to give up their lands without any compensation. Durgappa wants to be compensated for his house and site.

2 At the meeting held on the 20th October 1904, the Shikarpur Town Municipal Board resolved to pay a compensation of Rs 18/- to him.

3 The amount will be met out of the provision in the Budget

4

Budget-Estimate of the Shikarpur Municipality for 1907-1908 under the head "Compensation".

4 The Kannada records are submitted herewith for reference and kind return

---

"Copy"

[illegible]

for Revenue Commissioner

NR

ab

2 December

5

G.R.S 28]

File No 36 6 -
Serial No 2 07

Diary No. of letter replied to 4570

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT
(Mb.)

Read— Letter No. 6889 dated the 23rd December 1907 from the Revenue Commissioner in Mysore submitting a declaration with connected papers for the acquisition of

Bdra, the 8th Jan 1908

Date of issue 27.1.08

Signed by [illegible]

Order thereon—No

certain properties in the town of Shikarpur, Shimoga district for the purpose of extending and repairing the Sorabina Kere road, and stating that where the land is situated

over within

Subject

(IPH—7,000)—1 8-07.

within Municipal limits and is proposed to be acquired for Municipal purposes out of Municipal funds as in the present case the Dy. Commissioner may, in his discretion, address the Govt. direct on the subject matters of through the Revn. Comr., and that if the Govt. have no objection to such a procedure, an order may be issued to all Dy. Commissioners for future guidance

Order hereon 7310-129 Memo dt 27.1.68

The declaration received with the above will be forwarded to the Mysore Gazette, for publication

2) The Assistant Commissioner Shimoga Dn is authorized to take order for the acquisition of

3

7

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet Draft form.)

of the properties thereon referred to under the Land requisition Regulations

3) The cost of requisition will be met from the provision of Rs 4,204- made under "Vth Public works" in the Current year's budget of the Shikarpur Municipality there being no provision therein under "Contingencies".

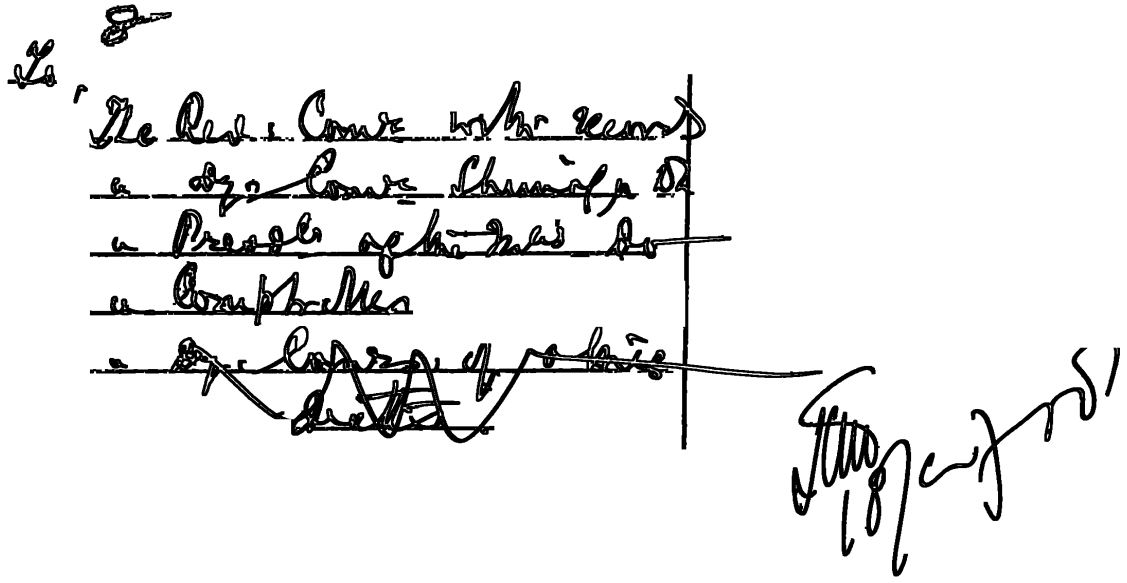
4) The procedure suggested by the Revenue Commissioner in the case of the acquisition of properties within municipal limits is being more or less generally followed by the Dy. Commissioners at present but in order to avoid ~~[illegible]~~ the Deputy Commissioners are requested to address the Govt. direct where properties situate within Municipal limits are proposed to be acquired for municipal purposes

for acquiring lands within municipal limits separate orders will be issued -

5) The original records received with the Rev. Comr's letter are returned

B 11/'08

Asstt. Secy.



GRS 261

2 drafts sm 114/08 10

File No. 366

Serial No 0/4

Diary No of letter replied to 4570

No 5-640-1 me 346-07 — Genl Regs

General and Revenue Secretariat
(Dub.)
, the 2nd Dec. 1908

To The Clerk to Govt in the Gen Department

Date of issue 11.12.08

Signed by [illegible]

Sir,

I am directed to forward herewith copy of the draft order proposed to be issued directing that questions relative to the acquisition of properties for public purposes should be dealt with in the Secretariat in charge of the Dept, ~~which requires the property or~~ which pays for the acquisition, and to request the favour of an expression of your opinion thereon

I have &c

SUBJECT

Jill

Yours &c
2/12/08

Last of enclosures

Copied by 2 copies

Examined by 9/12

G.S. 26]

File No. 366.
Serial No. 02

Diary No. of letter replied to 4530

Pol. No. 436

General and Revenue Secretariat
(Ml.)
Dated the 22 Dec 1905

To The Irish Assistt. to
the Honble the President
in Mysore.

Date of issue 9-12-05.

Signed by
Mr. C.S. Balasundaram

Sir,

With reference to
questions relative to the
acquisition of properties for
public purposes under the
Land Acquisition Regulation,
I am directed to request the
favour of your obliging ascer-
taining for the information
of the Govt. the practice
prevailing in British India
as to whether such questions
are dealt with in the Secre-
tariat in charge of the

Dept.

SUBJECT

Delete which requires the land on ~~which~~ pays for the acquisition, or ~~whether~~ ~~[illegible]~~ in any one severance, ~~may pay~~ for example the Redcliffe,

2 Hadleigh

KWW

Jon Seeley

5/2/52/08

List of enclosures

etc

nil

Copied by SR

Examined by Copy

GPB—10,000—80-4-08.

Pol: 887
D 18-12-08

No. 6836 2—1

D 4183

From

T B. COPELAND, Esq, I C S,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE

To

The Dewan of Mysore.

Mil 346-07
SL-6

Dated Bangalore, 18th December 1908.

Sir,

I am directed to acknowledge the receipt of Mr. Chandrasekhara Iyer's letter Pol. No.436 dated the 9th December 1908, regarding the practice of the Secretariats in British India in dealing with the acquisition of property under the Land Acquisition Act.

2. In reply, I am to enclose an extract from section (ii) 9 of Standing order No.90 in volume I of the Standing Orders of the Board of Revenue, Madras, in which the procedure followed in the Madras Presidency is described. The favour of a reference to the notifications for the acquisition of lands published in pages 1009 to 1013 of Part I of the Fort Saint George Gazette dated the 1st December 1908 is also invited.

3. I am to express a hope that the information supplied as regards the practice in the Madras Presidency will be found sufficient for the decision of the questions which have given rise to the present reference.

I have the honour to be,
Sir,
Your most obedient servant

T. B. Copeland

First Assistant Resident

S.I.

CHAPTER VIII

ACQUISITION OF LAND FOR PUBLIC PURPOSES

90 Acquisition of Land for Public Purposes --

Section (i) General Instructions

x x x

Section (ii) Procedure Preliminary to putting the Land Acquisition Act into Force

x x x

9 Procedure in submitting draft declaration to Government --

Before submitting a draft declaration under section 6, the Collector should take care to ascertain whether the expediency of the acquisition, its cost and any other connected questions have been duly settled by the proper authority and that the requisite funds have been allotted. After these matters have been satisfactorily arranged, and not till then, the necessary sanction of Government should be sought by submitting a draft declaration or an application for temporary occupation of the land under section 35 of the Act, as the case may require, direct to the department of the Government Secretariat which budgets for and carries out the work. The forms for this purpose will be found in Appendices II and III.

"Honor"

H. S. Hizmah Ayaz

Registrar

No 8048

MYSORE P W DEPARTMENT
CENTRAL OFFICE,
Bangalore, 18th December 190 8

From

W McHUTCHIN, ESQ, MICE,
Chief Engineer of Mysore,
Bangalore

To

The secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments,
BANGALORE

SIR,

With reference to your letter No 5640 / M1 346-07-4 of the 11th instant, forwarding for my opinion, copy of the draft order proposed to be issued, directing that cases of land acquisition be dealt with in the Department which will have to pay for the acquisition in each case &c; I have the honor to inform you that I have no objection to the proposed order being issued

I have the honor to be,

Sir,

Your most obedient servant,

Chief Engineer of Mysore

A. P. R.

MYSORE P W DEPARTMENT

No

From

THE CHIEF ENGINEER OF MYSORE,

Bangalore

To

Dated Bangalore

Despatched

Enclosure *No*

SUBJECT

Ml 346-07

M G D 12]

MYSORE GEOLOGICAL DEPARTMENT

No 2032

DATED BANGALORE, 11th February 1909

8823 Rev

From

DR W F SMEETH, MA, DSC., ARSM, etc,
Secretary to the Government of H H the Maharaja of Mysore,
Geological Department

To

C.S. Balasundaram Iyer, Esquire, B.A.,
Offg. Secretary to the Government of His Highness the Maharaja of Mysore, Gen.& Rev. Depts.

SIR.

In reply to your letter No.5641/Ml.346-07-4, dated 11th December 1908, forwarding for my opinion the draft of an order proposed to be issued on the subject of the disposal of Land Acquisition cases, I have the honour to state that I do not understand the nature and scope of the draft order very clearly and I do not think there are any cases in connection with this Department to which the order would apply.

2. From the correspondence read it seems to me that what the Revenue Commissioner suggests is that a semi private corporation over which he has no control should address the Government directly on the subject of acquiring land which is situated within municipal limits and which is therefore also not under the jurisdiction of the Revenue Commissioner.

3. The order however does not provide for such a case at all

all and therefore does not seem to me to form any reply or ruling to the letter from the Revenue Commissioner on which it purports to be based

I have the honour to be
Sir,
Your most obedient servant

Secretary to Government
Geological Department

Proceedings of the Government of His Highness the Maharaja of Mysore,

No R. 142-82—L. R. 462-08-1, DATED BANGALORE, 7TH JULY 1909

ORDER —The instructions conveyed in Government Order No 3752 60—R 416, dated the 20th August 1898, regarding the acquisition of lands for public purposes will be altered and added to as shown below —

(1) In para 4 of the instructions, add the words "direct to the Department of the Government Secretariat which budgets for and carries out the work" after the words "shall report the matter" Add also the following sentence at the end of that para —

'The declaration under the Land Acquisition Regulation will issue from the same Department of the Government Secretariat"

(2) Add the following as paras 10 and 11 of the said instructions —

"10. Where the land required is gomal or other special assignment to village communities, application should be made to the Revenue Commissioner, who is competent to grant the same"

"11 Acquisition or assessed land for public purposes does not necessarily imply the writing off of the assessment This latter concession should be matter for separate consideration, a reference being made to the Revenue Commissioner, who will seek the orders of Government if not in favor of the proposal, or sanction it otherwise"

Note.—Modified as above ordered, the Rules will read as follows —

"I No land should be acquired by any Department, except through the Deputy Commissioner of the District in which it is situated

II When a Municipality or any Department of Government wishes to acquire land for any public purpose, it shall send a requisition to that effect to the Deputy Commissioner intimating the situation and area of the land required and the purpose for which it is required

III The requisition may include a limit of price, if the requisitioning authority considers it necessary to fix one

IV On the receipt of this intimation, the Deputy Commissioner should make the necessary enquiries If the probable price which the Deputy Commissioner considers it necessary to pay, is accepted by the requisitioning authority and if the Deputy Commissioner wishes to put the Land Acquisition Act in force, he shall report the matter direct to the Department of the Government Secretariat which budgets for and carries out the work for the orders of Government, with full details as regards the description, boundaries and area of the land required, and the amount it is likely to cost The declaration under the Land Acquisition Regulation will issue from the same Department of the Government Secretariat

V On the receipt of the orders of Government thereon, he may proceed to acquire the land

VI If the Deputy Commissioner considers that the land required cannot be had within the limit, if any, fixed by the requisitioning authority, he should intimate the same to the Department concerned and await its further wishes in the matter

VII As a rule, all lands required for Government purposes should be acquired under the Land Acquisition Act, and private negotiation should be resorted to only in cases in which there is not the slightest doubt about the title of the owner with whom the Deputy Commissioner purposes to deal

VIII Deputy Commissioners should under no circumstances take possession of the land before its price is settled or the provisions of the Land Acquisition Act are put in force

IX Deputy Commissioners should report to Government particulars of lands acquired without the previous sanction of Government and without payment

Local Bureaux, dated 7th July 1920.

X. Where the area required is garden or other special assignments e.g., village communities, applications should be made to the Revenue Commissioner who is competent to grant the same.

XI. Acquisition of assessed land for building purposes does not necessarily imply the writing off of the assessment. This latter concession should be applied for separate consideration, a reference being made to the Revenue Commissioner who will seek the orders of Government if not in favor of the proposal or assessment is otherwise."

C. S. BALASUNDARAM IYER,
Offg. Secy. to Govt., Gen. & Rev. Depts.

To—The Revenue Commissioner in Mysore.
The other Heads of Departments.
The Deputy Commissioners of Districts.

Rad.—a. v.